

UNITED STATES DISTRICT COURT
for the
District of New Mexico

United States of America

v.

James Moquino

Year of Birth: 1981

)

Case No.

Defendant(s)

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

FEB 29 2016

MATTHEW J. DYKMAN
CLERK

16m; 748

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 20, 2016 in the county of Bernalillo in the
State and District of New Mexico, the defendant(s) violated:

*Code Section**Offense Description*

Title 18 U.S.C. Section 751 (a): Whoever escapes or attempts to escape from the custody of the Attorney General or his authorized representative, or from an institution or facility in which he is confined by direction of the Attorney General, or from any custody under or by virtue of any process issued under the laws of the United States by any court, judge or magistrate judge or from the custody of any officer or employee of the United States pursuant to lawful arrest, shall, if the custody or confinement is by virtue of an arrest on a charge of felony, or conviction of any offense.

This criminal complaint is based on these facts:

James Moquino, an individual under the custody of the Federal Bureau of Prisons; who was previously convicted of a felony under Federal Law, did escape from the Dismas Charities, Inc., Albuquerque, NM, as he departed without permission and knew he did not have permission to leave federal custody.

Continued on the attached sheet.



Complainant's signature

Shane Ashton Deputy U.S. Marshal

Printed name and title

Sworn to before me and signed in my presence.

Date: 2/29/16City and state: Albuquerque, NM


Judge's signature



Printed name and title

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

AFFIDAVIT

I, Shane Ashton, being duly sworn, state as follows:

1. I am a Deputy U.S. Marshal with the United States Marshals Service. I have been employed with the United States Marshals Service since August 2006. I attended the United States Marshals Service academy at the Federal Law Enforcement Training Center in Glynco, GA, certifying me as a Deputy United States Marshal. Prior to that, I was certified by the State of Kansas as a Law Enforcement Officer, employed by the City of Salina, KS Police Department from December of 1997, to August of 2006. As part of my duties with the United States Marshals Service I investigate and locate fugitives from justice in violation of Title 18 U.S.C. Section 751(a).
2. This affidavit is submitted in support of a criminal complaint alleging that James Moquino has violated Title 18, United States Code, Section 751(a) in that he knowingly escaped from the custody of the Bureau of Prisons in which he was confined by the direction of a United States Judge. This affidavit is based upon my own knowledge, and my review of official Bureau of Prisons and other available case records. This affidavit is based on my personal knowledge, interviews, and information provided by individuals with direct knowledge of the events described in this affidavit.

FACTS SUPPORTING PROBABLE CAUSE

1. On April 27, 2005, James Moquino was charged by Federal Indictment with violations of Title 18 U.S.C. section 1153: Crime in Indian Country; 18 U.S.C. section 113(a)(6) Assault Resulting in Serious Bodily Injury.
2. On November 2, 2005, James Moquino plead guilty to violations of Title 18 U.S.C. section 1153: Crime on an Indian Reservation: Assault Resulting in Serious Bodily Injury in violation of 18 U.S.C. section 113(a)(6).
3. On April 5, 2006, James Moquino was sentenced by United States District Court, District of New Mexico, Honorable William P. Johnson. Moquino was committed to the custody of the Bureau of Prisons for a term of 37 months, with 3 years of supervised release to follow.
4. On December 22, 2015, Moquino was transferred to the residential center, Dismas Charities Inc., located in Albuquerque, NM, under the custody of the United States Bureau of Prisons and the Attorney General of the United States. Furthermore, Moquino was informed and did sign an acknowledgment of custody that he understood he was in the custody of the Attorney General of the United States. This acknowledgment of custody additionally outlined and informed Moquino, that leaving the residential center without permission from the Center Director or his/her authorized representative, shall be deemed an escape from the custody of the Attorney General.

5. On February 20, 2016, Moquino left Dismas Charities in Albuquerque, NM at approximately 5:34 p.m. MST, without permission from the Center Director or his/her authorized representative.
6. On February 20, 2016, at approximately 6:35 p.m. MST the United States Bureau of Prisons notified the United States Marshals Service that James Moquino had left the facility without permission, and was classified as an escaped federal prisoner and that his whereabouts remained unknown.
7. On February 26, 2016, James Moquino was located and arrested by the United States Marshals Service in Albuquerque, NM.

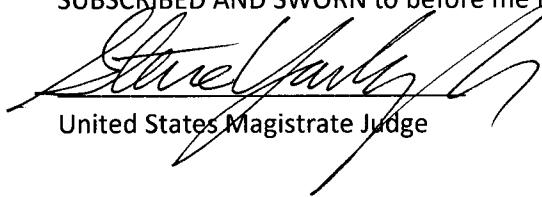
Based on the above information, I respectfully submit that there is probable cause to believe that, on February 20, 2016, James Moquino committed the offense of Escape from custody in violation of Title 18 U.S.C. Section 751(a), in that he knowingly escaped from the custody of an institution or facility in which he was confined by the direction of the Attorney General, or from any custody under or by virtue of any process issued under the laws of the United States by any court, judge, or magistrate judge.



SHANE ASHTON

Deputy U.S. Marshal, United States Marshals Service

SUBSCRIBED AND SWORN to before me this 29th day of February, 2016.



Steven J. Parker
United States Magistrate Judge